

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF SOUTH CAROLINA  
AIKEN DIVISION

## ORDER

Plaintiff American General Life Insurance Company filed a declaratory judgment action against Defendant Thomas Sherlock on September 24, 2004, seeking to rescind two life insurance policies. Default was entered against Defendant on May 5, 2005. Default judgment was entered on May 6, 2005. Both life insurance policies at issue were declared to be null and void and rescinded. By order filed May 5, 2005, the court awarded Plaintiff costs and attorneys' fees in the amount of \$4,090.50 to be offset by \$7,578.15 paid in premiums for the life insurance policies. ECF No. 17. The court directed Plaintiff to refund the balance to Defendant.

On June 2, 2006, Plaintiff filed a motion to deposit funds with the court. Plaintiff informed the court that Defendant had paid an additional \$1,595.40 in premiums that were not reflected in the court's May 5, 2005 order. Plaintiff further informed the court that it had attempted to send Defendant a check in the amount of \$5,083.05 via certified mail, but the mailing was returned as undeliverable. On June 21, 2006, the court granted Plaintiff's motion and instructed the Clerk of Court to deposit the funds in an interest-bearing account.

On December 7, 2011, the Financial Administrator of the Clerk's Office sent a letter to Defendant at his last known address, informing him that the deposited funds would be transferred

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to the unclaimed funds account of the United States Treasury pursuant to 28 U.S.C. § 2042 if Defendant failed to timely claim the funds. The court now is informed that Defendant has presented himself to the Clerk of Court to retrieve the subject funds. Defendant has identified himself via a South Carolina Driver's License, handwritten note, a copy of a statement from a public utility company, and a copy of the letter sent to his last known address.

It appearing to the court's satisfaction that Defendant has proper identification, IT IS ORDERED that the funds held in escrow pursuant to the court's June 21, 2006 order be disbursed to Defendant, with interest.

**IT IS SO ORDERED.**

  
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Margaret B. Seymour  
Chief United States District Judge

Columbia, South Carolina

January 9, 2012.